

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48484 of 2024

Arising Out of PS. Case No.-603 Year-2022 Thana- GAYA COMPLAINT CASE District-
Gaya

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Sukhdeo Yadav S/o- Parmeshwar Yadav Village- Gunadih PS-Barachati, Dist-
Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hulshi Devi wife of Late Sahdeo Yadav, D/o- Late Teter Yadav Village-
Mahkar Po- amarul Ps- Dobhi Dist- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dharendra Kumar Sinha, Adv.
For the State	:	Mr. Mithlesh Kumar Khare, APP
For the Complainant	:	Mr. Rudra Kant Pandey, Adv.

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 07-08-2025 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the complainant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 420 of the
Indian Penal Code.

3. The prayer for anticipatory bail on behalf of the
petitioner was earlier rejected by a co-ordinate Bench of this
Court vide order dated 06.07.2023 passed in Cr. Misc. no.
24131/2023 (Annexure-1). However, the said order was taken to
the Hon'ble Apex Court and vide an order dated 26.04.2024, the
Hon'ble Supreme Court noticed the fact of the existence of an
FIR registered for the very same transaction and the fact that the



petitioner was granted anticipatory bail in the said case by the High Court on 28.07.2023 was not brought into the notice of a co-ordinate Bench of this Court while the anticipatory application of the petitioner was being rejected vide order dated 06.07.2023. In pursuance to the liberty granted by the Hon'ble Supreme Court, a fresh prayer for anticipatory bail has been filed before this Court.

4. Learned counsel for the petitioner submits that for the same facts and for the same cause of action, two cases were filed; one by Hulshi Devi which is the present complaint case and the other by her daughter Sonmatia Devi which was a police case, wherein the petitioner has already been granted the privilege of anticipatory bail vide order dated 28.07.2023 passed in Cr. Misc. No. 39091 of 2023. All the grounds for bail have been discussed in the said order noting the facts that the FIR was lodged after an inordinate and unexplained delay of two years and the matter related to a civil dispute between the parties.

5. Learned APP for the State and learned counsel appearing for the complainant, however, oppose the prayer for anticipatory bail.

6. Considering the entire facts and circumstances of the



case, I am inclined to grant the privilege of anticipatory bail to the petitioner. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Complaint Case No. 603 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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